



Senate

General Assembly

File No. 249

February Session, 2008

Substitute Senate Bill No. 57

Senate, March 31, 2008

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT REQUIRING THE WORKERS' COMPENSATION
COMMISSION TO PROVIDE INJURED EMPLOYEES THE FORMS
NECESSARY FOR FILING A CLAIM.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-294b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Any employee who has sustained an injury in the course of his
4 employment shall immediately report the injury to his employer, or
5 some person representing his employer. If the employee fails to report
6 the injury immediately, the commissioner may reduce the award of
7 compensation proportionately to any prejudice that he finds the
8 employer has sustained by reason of the failure, provided the burden
9 of proof with respect to such prejudice shall rest upon the employer.

10 (b) Upon receipt of a report of injury by an employee, an employer,
11 the employer's insurance carrier or the employer's representative, the

12 Workers' Compensation Commission shall provide to the injured
13 employee, not later than five business days after receipt of such notice,
14 a copy of Form 30C, Notice of Claim for Compensation, or any
15 successor form prepared by the Workers' Compensation Commission
16 to help injured employees comply with the notice requirements of
17 section 31-294c. The Workers' Compensation Commission shall
18 provide such form to the injured employee in person or by mail sent to
19 such employee's current address on file with the employer.

20 Sec. 2. Subsection (b) of section 31-316 of the general statutes is
21 repealed and the following is substituted in lieu thereof (*Effective*
22 *October 1, 2008*):

23 (b) Upon determining that the employer or the employer's
24 representative failed to report injuries as required by subsection (a) of
25 this section, the workers' compensation commissioner may increase the
26 award for compensation for the employee's injuries proportionate to
27 the prejudice that the employee sustained due to the employer's failure
28 to file.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	31-294b
Sec. 2	<i>October 1, 2008</i>	31-316(b)

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires the Workers' Compensation Commission (WCC) to provide, after it receives the first report of an injury from an employer, the injured employee with a workers' compensation claim form (form 30C) within five business days after receiving the notice.

As this bill codifies current practice to statute, there is no fiscal impact to the WCC.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 57*****AN ACT REQUIRING THE WORKERS' COMPENSATION COMMISSION TO PROVIDED INJURED EMPLOYEES THE FORMS NECESSARY FOR FILING A CLAIM.*****SUMMARY:**

This bill requires the Workers' Compensation Commission (WCC) to provide, after it receives the first report of injury from an employer, an injured employee with a workers' compensation claim form within five business days after receiving the notice. The requirement applies whether the WCC is first notified of the injury by the employee, employer, employer's insurance carrier, or employer's representative.

The form, known as a 30-C, can be provided in person or by mail sent to the employee's current address on file with the employer.

By law, any employee who has sustained an injury in the course of work must immediately notify his or her employer. The law also requires the employer to file weekly first reports of injury with the WCC documenting any injuries that result in an employee missing work for one or more days.

By law, if a compensation commissioner determines that an employer failed to file a timely first report of injury, the commissioner can increase the employee's compensation award proportionate to the prejudice the employee suffered due to the delay. The bill also permits such an increase in award due to the employer's representative failing to file a timely report of injury.

EFFECTIVE DATE: October 1, 2008

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 9 Nay 0 (03/13/2008)